

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Thomas J. Higgins

Debtor

HSBC Consumer Lending Mortgage Services,  
Inc., or its Successor or Assignee

Movant

vs.

William C. Miller, Trustee, Trustee  
Thomas J. Higgins

Respondent

Chapter 13

Bankruptcy No. 11-19183 JKF

**OBJECTION OF HSBC CONSUMER LENDING MORTGAGE SERVICES, INC TO  
CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN**

HSBC Consumer Lending Mortgage Services, Inc.(hereinafter Creditor) is a secured creditor of the above Debtor and by its counsel hereby objects to the Debtor's Chapter 13 Plan as follows:

1. Creditor filed a Proof of Claim on or about May 21, 2012 indicating that the principal balance of its claim is \$88,477.74, and that its arrearage claim is \$20,857.14.
2. The Debtor's Chapter 13 Plan proposes to pay \$0.00 towards Creditor's arrears. Said amount does not cover total arrearage claim.
3. Section 1322(b)(2) of the Bankruptcy Code does not permit the debtors through the Plan to modify the rights of secured creditors holding an interest in real property that is the debtors principal residence. To the extent the Plan attempts to do so, it can not be confirmed.

WHEREFORE, for the foregoing reasons, HSBC Consumer Lending Mortgage Services, Inc. requests that an Order be entered denying confirmation of Debtor's Chapter 13 Plan and for such other and further relief as is just.

/s/ Kevin T. McQuail

MARGARET GAIRO, ESQUIRE, I.D.# 34419

MARISA J. COHEN, ESQUIRE, I.D. # 87830

KEVIN T. McQUAIL, ESQUIRE, I.D. # 307169

ANN E. SWARTZ, ESQUIRE, I.D. # 201926

Attorney for HSBC CONSUMER LENDING  
MORTGAGE SERVICES, INC

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**CERTIFICATION OF SERVICE**

I, Kevin T. McQuail, attorney for HSBC Consumer Lending Mortgage Services, Inc., hereby certify that I served a true and correct copy of the foregoing Objection of HSBC Consumer Lending Mortgage Services, Inc. to Confirmation of the Debtor's Chapter 13 Plan, by United States Mail, first class, postage prepaid, and/or electronic means, on February 27, 2013, upon the following:

William C. Miller, Trustee  
111 S. Independence Mall  
Suite 583  
Philadelphia, PA 19106

Thomas J. Higgins  
4027 North Warner Road  
Lafayette Hill, PA 19444

MICHAEL W. GALLAGHER  
1000 Germantown Pike  
Suite A-1  
Plymouth Meeting, PA 19462

/s/ Kevin T. McQuail

MARGARET GAIRO, ESQUIRE, I.D.# 34419  
MARISA J. COHEN, ESQUIRE, I.D. # 87830  
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February 27, 2013

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RE: Thomas J. Higgins  
Chapter 13/Bankruptcy No. 11-19183 JKF

Dear Parties:

Enclosed please find a copy of the Objection to Confirmation of Debtor's Chapter 13 Plan. The original has been sent for filing with the Court.

Should you have any questions, please feel free to contact me at the telephone number listed above.

Very truly yours,

Danielle Dougherty, Paralegal for Kevin T. McQuail  
McCABE, WEISBERG AND CONWAY  
/dd  
Enclosure

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**ORDER**

Upon consideration of the objection of Creditor to confirmation of the Chapter 13 plan, and after notice and hearing , it is hereby

ORDERED that the objection is sustained.

BY THE COURT,

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